

REMARKS

Claims 1-8 have been canceled. Claims 9-14 have been substituted therefor.

The Examiner has objected to claim 5 for indefiniteness. Claim 5 has been canceled.

Claims 1, 4-6, and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Murlon et al. Claim 1 has been canceled, and claim 9 has been substituted therefor.

Murlon et al. discloses an oil slick recovery apparatus including a faring or shroud which is generally bell-shaped and in which a vortex generator is located for generating a vortex 3. In Figures 3-8, a suction pipe 15 has an open end inserted into the vortex 3 whereby collected material in the vortex is pumped upwardly out of the enclosure. In Figures 12 and 13, the opening of the suction pipe 15 is also disposed into the vortex and removes material downwardly out of said vortex and enclosure and then upwardly into a container.

Applicant has instead provided an apparatus including an enclosure which has an upper inlet for the ingress of product to be recovered into said enclosure and, at its lower end an outlet for the outflow of recovered product from the enclosure. The claim calls for the vortex to extend downwardly into the outlet. Applicant also calls for a conduit for connecting the outlet to a conduit. This structure is not shown by Murlon et al. The advantage of Applicant's structure is that the bottom portion of the dynamic vortex is the beginning of the stream of recovered product which is removed from the outlet into a conduit in Applicant's disclosure. The formation of the vortex aids in the movement and removal of product out of the opening of the enclosure and into the conduit. Such structure is not provided by Murlon et al. Applicant therefore submits that claim 9 distinguishes patentably over Murlon et al.

Claims 4-6 and 8 have been canceled. Claims 12 and 13 replace claims 4 and 5. Claims 12 and 13 depend upon claim 9. Applicant therefore submits that claims 12 and 13 also distinguish patentably over Murlon et al.

Claims 2 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Murlon et al. in view of Hans, Schmidt, or Stanfield et al. Claims 2 and 7 have been canceled but have been replaced by claims 10 and 14. Hans does not disclose an agitator, and it is

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therefore difficult to see how Hans could be combined with Murlon et al. Furthermore, Hans does not cure the defects of Murlon et al.

Schmidt discloses a vortex shaped funnel but does not disclose an agitator. Schmidt does not cure the defects of Murlon et al.

Stanfield et al. also does not disclose an agitator nor cures the defects of Murlon et al.

Applicant respectfully submits that, even if the cited references could be combined, the resulting structure would not disclose nor render obvious Applicant's claimed invention.

Claim 3 has been rejected under 35 U.S.C. 103(a) as unpatentable over Murlon et al. in view of Amero et al., Boyd, Schmidt, or Hans. Claim 3 has been replaced by claim 11. Amero et al. discloses a funnel member 22. However, Amero et al. does not disclose an agitator. Again, it is difficult to see how Amero et al. could be combined with Murlon et al. Even if Amero et al., Boyd, Schmidt, or Hans could be combined with Murlon et al., such structure would not result in Applicant's claimed invention.

The Examiner has stated that claim 3 differs from Murlon et al. in the recitation of a funnel shaped enclosure. Applicant has claimed a shape which generally follows the contours of a vortex. Applicant respectfully submits that the contours of a vortex define curved sides. Only Schmidt discloses a funnel which has curved sides. Again, other than pointing to Schmidt as showing a funnel shape, the Examiner has not explained how Schmidt could be combined with Murlon et al. to result in Applicant's claimed invention.

For all of the above reasons, Applicant respectfully submits that the claims, as amended, distinguish patentably over the cited references and are in condition for allowance. Applicant respectfully requests allowance of the claims at issue.

The Examiner has objected to the disclosure because of a lack of section headings. Applicant has corrected the disclosure whereby the disclosure now includes section headings.

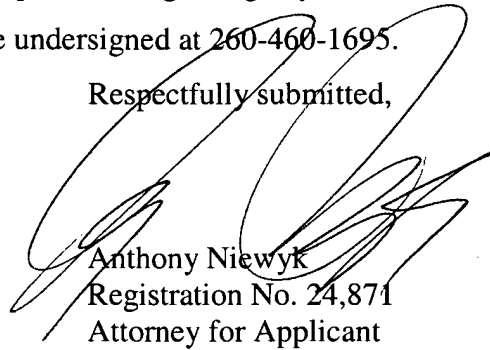
Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 260-460-1695.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'AN' followed by a flourish.

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Encs.: Marked-up Substitute Specification  
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